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## Lewis Brisbois Gave Up Name Rights, Company Argues

By Jack Rodgers

Law360 (October 21, 2022, 4:57 PM EDT) -- The head of a Texas mediation company that shares its name with 1,600-lawyer Lewis Brisbois Bisgaard & Smith LLP told a federal judge Friday that the BigLaw behemoth lost the rights to its name two years ago.

In September, the law firm asked a federal court to stop mediation company Lewis Brisbois and its president, Michael Bitgood — who is also suing a client of the Lewis Brisbois law firm and a firm attorney — **from using the name.** But in a filing with the court Friday, representatives for Bitgood submitted a trademark registration for the law firm's name, which expired "10 years from December 8, 2009," according to the document.

"A search on Oct 21, 2022 of the USPTO's publicly available records — the Trademark Electronic Search System or TESS — demonstrates that on July 10, 2022, the USPTO canceled Registration No. 3,722,172," Bitgood **wrote in a motion to dismiss** on Friday. "Trademark 3,722,172 is the same trademark Registration Number that plaintiff pro se claims to own and that [Lewis Brisbois' attorney William] Helfand emphatically read into the record on October 6, 2022."

Bitgood, who also goes by Michael Easton, said the case against his company should be tossed since the law firm lacks legal standing to argue ownership of an expired trademark.

Bitgood also posited to the court that Helfand, who is helping represent the firm Lewis Brisbois, "has perpetrated a fraud upon the court," through his defense of a trademark the firm did not own, according to the motion.

"Stated another way, plaintiff pro se conditioned his entire lawsuit and his standing to pursue a trademark and copyright lawsuit on something that was not his in first instance on September 23, 2022," Bitgood wrote.

In a statement Friday, Bitgood also said it would be a great harm if the USPTO's records were found to be correct.

"If the patent office is correct, then they lied to the judge and they have caused us all a great, great harm," he said.

According to the law firm's initial September complaint, the dispute started when Bitgood and another man, Richard P. Jones, sued an apartment complex for being charged improper rental fees. They hired David Oubre, managing partner of law firm Lewis Brisbois' Houston office, to represent them in a suit seeking recoup of those fees.

In May, unbeknownst to the firm, an attorney representing Bitgood and Jones filed a notarized "assumed name certificate" for a meditation business sharing the firm's name at the Fort Bend County Clerk's Office.

Later that month, Bitgood additionally registered a limited liability partnership with the same name with the Office of the Secretary of State of Texas.

In June, Brad Beers, who represents Bitgood and mediation company Lewis Brisbois, filed an "assumed name" certificate with the state under the Lewis Brisbois mark.

**EXHIBIT 58**

In June, Bitgood, Jones and mediation group Lewis Brisbois added the firm and Oubre to its list of defendants, according to the law firm's suit, which alleges that Bitgood and Jones are infringing on the firm's trademark and committing fraud through use of the mark.

Law firm Lewis Brisbois is represented by its own William S. Helfand, Bennett G. Fisher and Sean O'Neal Braun.

Bitgood is represented pro se and by Susan C. Norman and Brad Beers.

Representatives for Lewis Brisbois and Bitgood could not be reached for comment Friday.

The case is Lewis Brisbois Bisgaard & Smith LLP v. Michael Joseph Bitgood aka "Michael Easton" et al., case number 4:22-cv-3279, in the U.S. District Court for the Southern District of Texas, Houston Division.

The Imperial Lofts case is Richard Jones et al. v. Emily Martinez et al., case number 22-ccv-070378, in the County Court of Fort Bend County, Texas.

--Additional reporting by Andrews Strickler. Editing by Rich Mills.

*Update: This article was updated to included comment from Bitgood.*